

Contact Information:

Jessica Didow
610.655.6304
media@readingpa.org



FOR IMMEDIATE RELEASE

Mayor's Office Responds to Class Action Suit Filed Against City

This afternoon, the City's legal counsel filed its response to a class action complaint filed in June by a group of residents in the Berks County Court of Common Pleas. The City's position is that most, if not all, of the relief requested in the complaint is improper and should be dismissed.

Specifically, the City has presented a compelling argument that state and federal precedent mandates that the claims for class action status, federal civil rights damages, punitive damages, and restitution should be dismissed and that this case must proceed in the manner specifically required under state law. "The Professional Recyclers of Pennsylvania (PROP) are in agreement with counsel and have supported the City of Reading's efforts to defend its past practice of collecting recycling fees," added Bob Watts, PROP Interim Executive Director.

Ralph Johnson, Acting Director of Public Works, commented that "The City is committed to providing waste management services during litigations. This issue has become a state-wide problem in municipalities like ours that have received Act 101 funding. We will be making a presentation to City Council on Monday night to address the issue."

Act 101 both mandates recycling throughout Pennsylvania's larger municipalities and provides grants to offset expenses for these programs. Unfortunately, the grants provided do not adequately fund the costs associated with the City's recycling program and the City, and others throughout the state, may not be able sustain the recycling program and the continued success the program has had in reducing waste and providing a cleaner and healthier environment without the additional funding that comes from customers' billing.

The City anticipates that this case will give the Courts the opportunity to finally determine the ultimate issue of whether or not any third-class cities or home rule municipalities are permitted to assess supplemental fees to cover the necessary costs of the recycling programs that are not covered by the funding available through Act 101.

This matter is being investigated at the state level as well. The passage of House Bill 2266 would allow all municipalities across the state to assess reasonable and necessary fees without the threat of litigation and make this class action suit moot. There is also legislation being considered for proposal in the Pennsylvania Senate that would permit third class cities to collect fees related to the costs recycling.

Either through the Pennsylvania state court system or State Legislature, municipalities may ultimately be given the opportunity to assess fees to cover the costs of recycling not covered by Act 101.

"The City is confident that this issue will be cleared up by either this litigation or by the General Assembly, which will allow the City to continue to provide the level of recycling services that the Reading community deserves," reassured Vaughn Spencer, Mayor of the City of Reading.

#